

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 447

Introduced by Assembly Member Williams

February 19, 2013

An act to amend Section 72023.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL’S DIGEST

AB 447, as amended, Williams. Community colleges: organization of governing boards: nonvoting student members.

Existing law requires the governing board of each community college district to order the inclusion within the membership of the governing board of one or more nonvoting students, who are enrolled in a community college of the district, and chosen by students enrolled in the community colleges of the district, in accordance with procedures prescribed by the governing board. Existing law provides that a nonvoting student member shall not be included in determining the vote required to carry any measure before the *governing* board. Existing law authorizes a nonvoting student member, at the discretion of the governing board, to make and second motions, to attend closed sessions of the governing board, ~~except as provided~~ *on personnel and collective bargaining matters*, to receive a specified amount of compensation, and to serve a one-year term. ~~Existing law requires a governing board that affords a nonvoting student member any of these privileges to adopt rules and regulations regarding the exercise of those privileges.~~

This bill would authorize a nonvoting student member, without being subject to the discretion of the governing board, to make and second motions, ~~and to attend closed sessions, except as provided, and to serve~~

~~a one-year term on personnel, collective bargaining, and litigation matters. This bill would provide that a nonvoting student member shall not be required to pay fees for courses in which the member is enrolled during his or her term. This bill would provide that a nonvoting student member who is eligible for a specified fee waiver shall not be required to pay fees for courses in which the member is enrolled during his or her term and shall receive a stipend in the amount of the fee waiver.~~ This bill would authorize a nonvoting student member to cast an advisory vote but would provide that the advisory vote shall not count in determining the vote required to carry a measure before the governing board.

By requiring community college districts to record advisory votes of student members, this bill would impose a ~~state-mandated~~ *state-mandated* local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 72023.5 of the Education Code is
2 amended to read:
3 72023.5. (a) (1) The governing board of each community
4 college district shall order the inclusion within the membership of
5 the governing board, in addition to the number of members
6 otherwise prescribed, of one or more nonvoting students. These
7 students shall have the right to attend each and all meetings of the
8 governing board, except that student members shall not have the
9 right, or be afforded the opportunity, to attend sessions of the
10 governing board specified in paragraph (2) of subdivision (b).
11 (2) The students selected to serve on the governing board shall
12 be enrolled in a community college of the district and shall be
13 chosen, and shall be recalled, by the students enrolled in the
14 community colleges of the district in accordance with procedures

prescribed by the governing board. A student member shall be required throughout the term of his or her appointment to be enrolled in a community college of the district for at least five semester units, or its equivalent, and shall meet and maintain the minimum standards of scholarship for community college students prescribed by the community college district. ~~The~~ *Except as provided in paragraph (4) of subdivision (b), the* term of the student members shall be one year commencing on ~~May 15~~ *June 1* of each year.

(3) ~~(A)~~—The nonvoting student members appointed pursuant to this section shall be entitled to mileage allowance to the same extent as regular members, but are not entitled to the compensation prescribed by Section 72024.

~~(B) A nonvoting student member shall not be required to pay fees for courses in which the member is enrolled during his or her term as a member. A nonvoting student member who is eligible for a fee waiver pursuant to Section 76300 shall not be required to pay fees for courses in which the member is enrolled during his or her term as a member and shall receive a stipend in the amount of the fee waiver. The board of governors shall not reduce apportionments pursuant to subdivision (d) of Section 76300 to any district that does not collect fees for a nonvoting student member.~~

(4) A nonvoting student member shall be seated with the members of the governing board and shall be recognized as a full member of the board at the meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues.

(5) A nonvoting student member shall not be included in determining the vote required to carry any measure before the board, but is authorized to cast an advisory vote pursuant to paragraph (5) of subdivision (b).

(6) A nonvoting student member shall not be liable for any acts of the governing board.

(b) Notwithstanding subdivision (a), the nonvoting student member or members selected to serve on the governing board of a community college district pursuant to subdivision (a) may do any of the following:

(1) Make and second motions.

1 (2) Attend closed sessions, other than closed sessions on
2 personnel matters, collective bargaining matters, or litigation.

3 (3) *Receive compensation, at the discretion of the governing*
4 *board, up to the amount prescribed by Section 72024.*

5 ~~(3)~~

6 (4) Serve a term of one year commencing on May 15 of each
7 year, *at the discretion of the governing board.*

8 ~~(4)~~

9 (5) Cast an advisory vote that is recorded in the minutes of the
10 governing board meeting. The advisory vote shall not count in
11 determining the vote required to carry a measure before the
12 governing board.

13 (c) It is the intent of the Legislature that any decision or action,
14 including any contract entered into pursuant thereto, upon the
15 motion or second of a motion of a student member, shall be fully
16 legal and enforceable against the district or any party thereto.

17 (d) *The governing board of each community college district that*
18 *affords the nonvoting student member or members of the board*
19 *the privileges enumerated in paragraphs (3) or (4) of subdivision*
20 *(b) shall, by May 15 of each year, adopt rules and regulations*
21 *implementing this section. These rules and regulations shall be*
22 *effective until May 15 of the following year.*

23 ~~(d)~~

24 (e) If a state court finds this section is unlawful, the court may
25 order, as equitable relief, that the administering entity that is the
26 subject of the lawsuit terminate any waiver awarded under this
27 statute or provision, but no money damages, tuition refund or
28 waiver, or other retroactive relief may be awarded. In any action
29 in which the court finds this section is unlawful, the California
30 Community Colleges are immune from the imposition of any award
31 of money damages, tuition refund or waiver, or other retroactive
32 relief.

33 SEC. 2. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.